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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,090	03/25/2004	Michael K. Ishimitsu	MS306912.1	7651
27195	7590	10/10/2008		
AMIN, TUROCY & CALVIN, LLP			EXAMINER	
127 Public Square			HO, ANDY	
57th Floor, Key Tower				
CLEVELAND, OH 44114			ART UNIT	PAPER NUMBER
			2194	
			NOTIFICATION DATE	DELIVERY MODE
			10/10/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/809,090

Applicant(s)

ISHIMITSU ET AL.

Examiner

ANDY HO

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date 6/30/04: 7/21/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to the application filed 3/25/2004.
2. Claims 1-20 have been examined and are pending in the application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Mitchell U.S Patent No. 5,903,278.

As to claim 1, Mitchell teaches a diagram system comprising:
a diagram that stores at least one shape element (Fig. 4); and,
an application program interface that includes a control that facilitates access to the diagram, the control maintaining state information associated with the diagram (lines 37-46 column 6).

As to claim 2, Mitchell further teaches the state information comprising at least one of selection, zoom and scroll position (Fig. 5 and associated specification).

As to claim 3, Mitchell further teaches the control captures operating system events (lines 47-67 column 6).

As to claim 4, Mitchell further teaches the control providing at least some of the operating system events to the shape element (lines 47-67 column 6).

As to claim 5, Mitchell further teaches rerouting at least one of paint, keyboard and mouse events to at least one of the diagram and the shape element (lines 47-67 column 6).

As to claim 6, Mitchell further teaches the diagram and the shape element responsible for painting themselves (lines 2-17 column 8).

As to claim 7, Mitchell further teaches the diagram and/or the shape element being responsible for responding to a user interaction (lines 47-67 column 6).

As to claim 8, Mitchell further teaches the shape element being based, at least in part, upon a model element class (lines 42-64 column 7).

As to claim 9, Mitchell further teaches the diagram being based, at least in part, upon a node shape that has a bounds property which defines its location and size, the node shape derived from the shape element (lines 25-41 column 7).

As to claim 10, Mitchell further teaches at least one shape element having a child shape element (Fig. 4).

As to claim 11, Mitchell further teaches the shape element derived from a presentation element (lines 4-24 column 7).

As to claim 12, Mitchell further teaches the shape element comprising at least one of a geometry property, a style set property and a shape fields property (lines 4-24 column 7).

As to claim 13, Mitchell further teaches the diagram having a graph object employed for hittesting (lines 25-41 column 7).

As to claim 14, Mitchell further teaches the shape element being control-less (lines 42-64 column 7).

As to claims 15-16, they are method claims of claim 1. Therefore, they are rejected for the same reasons as claim 1 above.

As to claim 17, it is a computer product claim of claim 15. Therefore, it is rejected for the same reasons as claim 15 above.

As to claim 18, Mitchell teaches a data packet transmitted between two or more computer components that facilitates diagramming (lines 11-22 column 5), the data packet comprising:

a data field comprising a diagram, the diagram comprising at least one shape element (Fig. 4), the diagram and/or the shape element being responsible for painting themselves (lines 2-17 column 8) and responding to a user interaction (lines 47-67 column 6).

As to claim 19, it is a computer product claim of claim 1. Therefore, it is rejected for the same reasons as claim 1 above.

As to claim 20, Mitchell teaches a diagram system comprising:

means for storing at least one shape element in a diagram (Fig. 4), the diagram and/or the shape element being responsible for painting themselves (lines 2-17 column 8) and responding to a user interaction (lines 47-67 column 6);

means for accessing the diagram (lines 37-46 column 6); and,

means for maintaining state information associated with the diagram (lines 37-46 column 6).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy Ho whose telephone number is (571) 272-3762. A voice mail service is also available for this number. The examiner can normally be reached on Monday – Friday, 8:30 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng An can be reached on (571) 272-3756.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIM) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

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Any response to this action should be mailed to:

Commissioner for Patents

P.O Box 1450

Alexandria, VA 22313-1450

Or fax to:

- AFTER-FINAL faxes must be signed and sent to (571) 273 - 8300.
- OFFICAL faxes must be signed and sent to (571) 273 - 8300.
- NON OFFICAL faxes should not be signed, please send to (571) 273 – 3762

/Andy Ho/

Primary Examiner

Art Unit 2194